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MOTOROLA, INC.
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SCHAUMBURG, IL 60196

EXAMINER

PLUCINSKI, JAMISUE A

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ELECTRONIC

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1 UNITED STATES PATENT AND TRADEMARK OFFICE

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4 BEFORE THE BOARD OF PATENT APPEALS
5 AND INTERFERENCES
6

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8 *Ex parte* FREDERICK SCHUESSLER
9

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11 Appeal 2008-004668
12 Application 10/748,400
13 Technology Center 3600
14

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16 Decided:¹ July 9, 2009
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18
19 *Before* MURRIEL E. CRAWFORD, HUBERT C. LORIN, and
20 ANTON W. FETTING, *Administrative Patent Judges*.

21
22 CRAWFORD, *Administrative Patent Judge*.
23

24
25 DECISION ON APPEAL

¹ The two-month time period for filing an appeal or commencing a civil action, as recited in 37 C.F.R. § 1.304, begins to run from the decided date shown on this page of the decision. The time period does not run from the Mail Date (paper delivery) or Notification Date (electronic delivery).

STATEMENT OF THE CASE

Appellant appeals under 35 U.S.C. § 134 (2002) from a Final Rejection of claims 1-24. We have jurisdiction under 35 U.S.C. § 6(b) (2002).

Appellant invented systems and methods for providing a user with a personalized shipment system (Abstract).

Claim 1, reproduced below, is further illustrative of the claimed subject matter:

1. A method for providing a user with a personalized shipment system, comprising:
 - registering a user by obtaining user data;
 - associating the user data with a unique user identifier;
 - generating label data for each of a plurality of labels, each label including a unique label identifier in machine language;
 - associating the label identifier with the user identifier in a computer database;
 - receiving an item to be shipped including one of the labels and recipient data located on the item, the recipient data including a destination data of the item;
 - determining whether the destination data is in a machine language;
 - translating, when the destination data is not in a machine language, the destination data into machine language destination data;
 - obtaining the unique label identifier and the machine language destination data from the item using a machine capable of reading the machine language during the shipment of the item;

1 recording in the computer database tracking
2 data based on the machine language unique label
3 identifier and the machine language data, the
4 tracking data including information regarding a
5 shipping status of the item; and
6 providing the tracking data in response to a
7 request, wherein the tracking data is provided
8 using only the user identifier and the destination
9 data including in the request.

10
11 The prior art relied upon by the Examiner in rejecting the claims on
12 appeal is:

13	Wilz	US 6,394,354 B1	May 28, 2002
14	Bilibin	US 2005/0197892 A1	Sep. 8, 2005
15	Reiter	US 7,062,474 B1	Jun. 13, 2006

16
17 The Examiner rejected claims 1-24 under 35 U.S.C. § 103(a) as being
18 unpatentable over Wilz in view of Reiter and Bilibin.

19 We AFFIRM.

20
21 ISSUE

22 Did the Appellant show the Examiner erred in finding that the
23 inbound package tracking option of Bilibin corresponds to providing the
24 tracking data in response to a request, the tracking data being provided using
25 only the user identifier and the destination data included in the request, as
26 recited in independent claims 1 and 13?

27
28 FINDINGS OF FACT

29 *Specification*

30 Appellant invented systems and methods for providing a user with a
31 personalized shipment system (Abstract).

1 System 1 provides a user with an easy-to-use Graphical User Interface
2 ("GUI"). Sender 10/Recipient 20 does not have to know the tracking number
3 70 of each envelope 40 that is being sent/received; in other words, the
4 tracking number 70 may be "invisible." By using the Sender's account
5 number 72 or the destination data 76, one may track the movements of the
6 envelope 40. This allows not only the tracking of the movements of the
7 envelope that is sent, e.g., by Sender 10, but also allows Recipient 20 to
8 track movement of the envelopes that are being sent to Recipient 20. Thus,
9 an advance notice to Recipient 20 may be provided that he should be
10 expecting the envelope 40 (Spec. [0032]).

11
12 *Bilibin*

13 Bilibin discloses computer systems for parcel shipment management
14 ([0002]).

15 A User logs into System 1 using a user log in identification and
16 password ([0148]).

17 The System identifies a particular package shipped using the System
18 via a system tracking number that is a unique tracking number generated
19 internally by the System ([0414]).

20 A logged on User can view inbound packages if the User first
21 identifies to the System package tracking numbers for each of the packages
22 the status of which the User is interested in monitoring. The User does this
23 by clicking on the "Add Inbound Package" option 2113, and then inputting
24 identification information, such as the tracking number 19 in the input
25 tracking number field 2035. The user then clicks on the "Add" button 2165,

1 and the inputted record is then added to a list for that User of Inbound
2 Packages to be monitored (Figs. 72, 80; [0482]).

3 Once the User has input the identification information for the
4 packages the status of which the User wants to monitor, and added all such
5 records to the User's Inbound Tracking List, the User can then view the
6 status of those identified inbound packages. To do so, the user clicks on the
7 "View Inbound Packages" option 2112 of the "My Tracking" submenu 2110
8 (Fig. 81; [0483]).
9

10 PRINCIPLES OF LAW

11 During examination of a patent application, a pending claim is given
12 the broadest reasonable construction consistent with the specification and
13 should be read in light of the specification as it would be interpreted by one
14 of ordinary skill in the art. *In re Am. Acad. of Sci. Tech. Ctr.*, 367 F.3d
15 1359, 1364 (Fed. Cir. 2004).

16 While the specification can be examined for proper context of a claim
17 term, limitations from the specification will not be imported into the claims.
18 *CollegeNet, Inc. v. ApplyYourself, Inc.*, 418 F.3d 1225, 1231 (Fed. Cir.
19 2005).
20

21 ANALYSIS

22 We are not persuaded of error on the part of the Examiner by
23 Appellant's argument that the inbound package tracking option of Bilibin
24 does not correspond to providing the tracking data in response to a request,
25 the tracking data being provided using only the user identifier and the
26 destination data included in the request, as recited in independent claims 1

1 and 13 (Appeal Br. 8-11). The Appellant first asserts that Bilibin does not
2 disclose tracking data being provided using only the user identifier and
3 destination data, because Bilibin also requires a password in order to login to
4 the system (Appeal Br. 8). However, once a user is logged into the system,
5 the system utilizes the permissions associated with the user identifier, and
6 not the password, to retrieve data. While the Appellant further asserts that
7 the password is intimately tied to the user account, and thus the tracking
8 data, there is no indication in Bilibin that this is the case once a user has
9 logged into the system (Reply Br. 2-3).

10 The Appellant next asserts that once a user has logged into the system,
11 the user identifier is no longer used by the system, and thus any request for
12 tracking data does not include the user identifier (Appeal Br. 8-9). However,
13 every user-initiated transaction in Bilibin is inherently tied to the user
14 identifier, otherwise the system would be giving the user unfettered access to
15 all the data it possesses, including other users' data. Accordingly, the user
16 identifier is necessarily present in system transactions, such as the tracking
17 data request.

18 The Appellant additionally asserts that Bilibin utilizes tracking
19 numbers to request tracking data, and not destination data (Appeal Br. 9-10).
20 However, when a user clicks the "View Inbound Packages" option 2112 of
21 the "My Tracking" submenu 2110, the user is, in essence, entering the
22 location where the user receives packages. This location is "destination
23 data" under a broadest reasonable interpretation. *See In re Am. Acad. of Sci.*
24 *Tech. Ctr.*, 367 F.3d 1364. Thus, when combined with the underlying user
25 permissions present in every transaction, Bilibin does disclose tracking data
26 being provided using only the user identifier and destination data.

The Appellant counter-asserts that the user is required to enter tracking number data prior to clicking “View Inbound Packages,” and thus when clicking “View Inbound Packages,” the system is still using tracking numbers to provide the tracking data (Reply Br. 3-4). As an initial matter, the claim does not recite that a previously entered tracking number cannot be used as the underlying mechanism for providing tracking data where the tracking data request included the user’s current location or “destination data.” *See CollegeNet, Inc. v. ApplyYourself, Inc.*, 418 F.3d at 1231. Furthermore, Appellant’s own Specification notes that the tracking number 70 may be “invisible” to the Sender 10/Recipient 20, and does not provide the mechanics on exactly how only the Sender’s account number 72 or destination data 76 is used to provide tracking data. Accordingly, absent any indication as to how only the user identifier and destination data is used to provide tracking data without the use of tracking numbers, the “invisible” use of the previously entered tracking number when the user clicks “View Inbound Packages” in Bilibin is sufficient to meet the aspect of providing tracking data using only the user identifier and the destination data included in the request, as recited in independent claims 1 and 13.

CONCLUSION

The Appellant has failed to show that the Examiner erred in rejecting claims 1-24.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R. § 1.136(a)(1)(iv) (2007).

AFFIRMED

Appeal 2008-004668
Application 10/748,400

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